

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Utility and Regulatory Affairs, to which was referred Senate Bill No. 209, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, line 12, delete "However, for purposes of sections 2 through
- 2           18 of this".
- 3           Page 1, delete lines 13 through 17.
- 4           Page 2, line 9, delete "substantial evidence that:" and insert "**the**
- 5           **evidence that the proposed facility will meet the demand of the**
- 6           **regional power market. The commission shall request evidence**
- 7           **from the petitioner that demonstrates the existence of market**
- 8           **conditions supporting the construction of a merchant power plant**
- 9           **selling electric energy in the wholesale market at competitive**
- 10          **rates."**
- 11          Page 2, delete lines 10 through 21.
- 12          Page 2, line 32, after "construct a" insert "**new**".
- 13          Page 2, line 37, delete "not earlier than two hundred seventy" and
- 14          insert "**within two hundred seventy (270) days after the filing of the**
- 15          **petitioner's case in chief. The commission may suspend the running**
- 16          **of the two hundred seventy (270) day period if the commission**
- 17          **finds that:**
- 18               (1) the petitioner did not file its case in chief in sufficient
- 19               detail to allow the commission to begin a review of the
- 20               request;
- 21               (2) the petitioner materially altered the petitioner's case in

chief after its filing;

(3) an order compelling production by the petitioner of discovery has not been satisfied within the time provided in the order; or

(4) the commission temporarily lacks jurisdiction over the proceeding due to the filing of an interlocutory judicial appeal of a commission ruling or order.

The suspension ends and the two hundred seventy (270) day period continues to run as soon as the petitioner cures the cause for suspension."

Page 2, delete line 38.

Page 3, line 23, after "plant's" insert "**potential**".

Page 3, line 24, delete "effect" and insert "**impact**".

Page 3, line 26, delete "effect" and insert "**impact**".

Page 3 line 28, delete "effects" and insert "**impacts**".

Page 4, delete lines 6 through 42 and insert the following:

**"Sec. 11. A petitioner shall provide to the commission an assessment of the proposed merchant power plant's effect on the water resource and its users. The assessment shall be prepared by a licensed professional geologist (as defined in IC 25-17.6-1-6.5) or an engineer license under IC 25-31-1. The assessment must include, but not be limited to, the following information:**

**(1) Sources of water supply.**

**(2) Total amount of water to be used by the merchant power plant from each source.**

**(3) Location of wells or points of withdrawal.**

**(4) Ability of the water resource to meet the needs of the merchant power plant and other users.**

**(5) Ability of the water resource to meet the future needs of the county in which the proposed merchant power plant will be located.**

**(6) Alternative sources of water supply.**

**(7) Conservation measures proposed by the petitioner for reducing the merchant power plant's effect on the water resource.**

**(8) Studies evaluating the availability of and most practical method of withdrawal, development, and use of the water resource.**

**(9) A method for metering or other reasonable measuring of water withdrawals and reporting of the measurement to the commission.**

**(10) Any other information related to water resource**

1           **assessment the commission may require."**

2           Page 5, delete lines 1 through 11.

3           Page 5, line 15, after "one (1) of the following" insert **"financial**  
4 **instruments"**.

5           Page 5, line 15, after "combination of the following" insert  
6 **"financial instruments"**.

7           Page 5, delete lines 19 through 42, begin a new line block indented  
8 and insert:

9           **"(1) A surety bond.**

10          **(2) A letter of credit.**

11          **(3) A certificate of insurance.**

12          **(4) A financial test.**

13          **(5) A corporate guarantee.**

14          **(6) Any other financial guarantee approved by the**  
15 **commission.**

16          **(b) The petitioner shall prepare a cost estimate that contains a**  
17 **detailed estimate of the costs associated with fully decommissioning**  
18 **the facility and returning the site to its prior condition.**

19          **(c) The financial instrument selected and used by the petitioner**  
20 **under this section must be sufficient to cover costs contained in the**  
21 **cost estimate.**

22          **(d) The petitioner must submit a copy of current cost estimates**  
23 **and the financial instrument to the commission for approval within**  
24 **sixty (60) days of the approval by the commission of the petition."**

25          Page 6, delete lines 1 through 12.

26          Page 6, line 14, delete "testimony" and insert **"the petitioner's case**  
27 **in chief"**.

28          Page 8, line 39, after "to" insert **"the siting approval of"**.

29          Page 9, line 4, delete "IC 6-1.1-8-1".

30          Page 9, line 38, delete "Except as provided in subsection (c), a" and

- 1       insert "A".
- 2       Page 9, delete line 42.
- 3       Page 10, delete lines 1 through 17.  
(Reference is to SB 209 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

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**Senator Merritt, Chairperson**